

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>ALBERT HOBSON,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 18-233 Erie</b>
	)	
<b>v.</b>	)	
	)	<b>District Judge Susan Paradise Baxter</b>
<b>JOHN TILLER, et al.,</b>	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Albert Hobson, a *pro se* litigant formerly in the custody of the Pennsylvania Department of Corrections at the State Correctional Institution at Albion, Pennsylvania (“SCI-Albion”), initiated this civil rights action on August 20, 2018, against Defendants John Tiller (“Tiller”), a Unit Manager at SCI-Albion, and Mrs. Stevens (“Stevens”), a psychiatrist employed at SCI-Albion. The case was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates, and was subsequently reassigned to the undersigned, as presiding judge, on December 18, 2018, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

Plaintiff alleges that Defendants failed to protect him from being attacked by another inmate in violation of his rights under the eighth amendment to the United States Constitution. The claims against Defendant Stevens were previously dismissed by this Court by Order dated March 18, 2020 [ECF No. 26]. After discovery was completed, Defendant Tiller filed a motion for summary judgment as to Plaintiff’s remaining claims against him [ECF No. 33]. A brief in

opposition to Defendant Tiller's motion was filed by Plaintiff on February 22, 2021.


On May 6, 2021, Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that Defendant Tiller's summary judgment motion be granted based on Plaintiff's failure to exhaust his administrative remedies and, alternatively, on the lack of a reasonable inference from the record that Defendant Tiller acted with deliberate indifference to Plaintiff's on safety [ECF No. 41]. Objections to the R&R were due to be filed by May 24, 2021; however, Plaintiff has failed to file any objections to date.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 28th day of May, 2021;

IT IS HEREBY ORDERED that Defendant Tiller's motion for summary judgment [ECF No. 33], is GRANTED. Accordingly, judgment is hereby entered in favor of Defendant Tiller and against Plaintiff as to all claims against him. The report and recommendation of Magistrate Judge Lanzillo, issued May 6, 2021 [ECF No. 41], is adopted as the opinion of the court.

There being no further claims remaining, the Clerk is directed to mark this case CLOSED.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
U.S. Magistrate Judge